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ARCHES NATIONAL PARK

LAND PROTECTION PLAN



Recommended:

Peter L. Pary
Superintendent

DEC 2 1965

Date

Approved:

Lawrence Mintzmeier
Regional Director

12-20-65

Date

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DB-375

Land Protection Plan

Arches National Park

I. INTRODUCTION

- (A) In May of 1982, the Department of the Interior published in the Federal Register a new policy statement for the use of the Federal Portion of the Land and Water Conservation Fund. This new policy applies to the National Park Service and, among other things, requires that all Land Acquisition Plans be updated and revised to (1) change the name to "Land Protection Plan," (2) more specifically identify the lands which need to be in Federal ownership, to achieve management purposes and public objectives, (3) use, to the maximum extent possible, cost effective alternatives to direct Federal purchase and, when acquisition is necessary, acquire only the minimum interest needed to meet management objectives, (4) cooperate with landowners, other Federal agencies, State and local governments and the private sector to manage land for public uses or protect it for resource conservation, and (5) assure that the plans for land acquisition and resource use or protection consider the attendant socio-cultural impacts and that the most outstanding areas are adequately managed.

In response to the new Departmental policy, the National Park Service has withdrawn its 1979 Land Acquisition Policy and on May 11, 1983, published in the Federal Register (Vol. 48, No. 92) "Final Interpretive Rules" for preparation of the new "Land Protection Plans" for each area of the National Park System having non-Federal land within its boundaries.

- (B) The major issues to be addressed by this plan are (1) protection of lands in State ownership that might be sold or leased for development and (2) outstanding permits for grazing, and outstanding gas, oil and hydrocarbon leases that may impact park resources.

This Land Protection Plan should not be interpreted as an offer to purchase land or any interest in land. It will generally serve as a guide in subsequent activities. It is subject to the availability of funds and other constraints and does not diminish the rights of any non-Federal landowner.

Land Protection Plans will be reviewed on a biennial basis and revised as necessary to reflect changing conditions.

II. PURPOSE OF THE PARK AND RESOURCES TO BE PROTECTED

(A) Purpose of the Park

The original Proclamation No. 1875, of April 12, 1929 establishing Arches National Monument states that the purpose of the monument is to protect " . . . extraordinary examples of wind erosion in the form of gigantic arches, natural bridges, 'windows', spires, balanced rocks and other unique wind-worn sandstone formations, the preservation of which is desirable because of their educational and scenic value".

When the monument was enlarged in 1938, the wording also included "prehistoric structures" of historic and scientific interest. Boundary adjustments were made November 25, 1938; July 26, 1960; January 21, 1969; and November 12, 1971.

The Act of November 12, 1971, 16 USC 272, et seq., abolished the monument, established Arches National Park, and increased the size to 73,379 acres. It authorized the Secretary to acquire lands and interests within the park boundary by donation, purchase, transfer, or exchange, except with respect to State and county lands, which requires consent by the State or its political subdivision. The latter clause means that the unacquired tracts of land within the park cannot be acquired by eminent domain.

(B) Significance of the Area and Resources to be Protected

Arches National Park contains the largest concentration of natural stone arches in the country. There are over 200 natural openings, and over 50 that qualify by most definitions as arches. Examples of developing, completed and collapsed arches are all evident within the 114 square miles of the park. Several arches are particularly notable for their outstanding size and erosional history. Landscape Arch is one of the longest natural stone arches in the world. Delicate Arch is internationally recognized as a free-standing arch carved from what was once a complete fin.

Along with the natural stone arches are many red rock canyons and fins. Against the arid, semi-desert environment, the red rock canyons and fins make spectacular scenery for amateur and professional photographers alike.

Several areas of Indian pictographs and petroglyphs are found within the park. Two archeological surveys have been made in the park and approximately 100 sites have been documented. Surface collections that were made consist largely of small flint artifacts and chips. At present, little is known of the Indians that inhabited the area. The Courthouse Wash Rock Art Panel (pictographs and petroglyphs) is listed in the National Register of Historic Places.

Because the culture that produced this art is so little understood, each locality where it occurs is an important cultural resource.

Physical remains of early ranching and mining pursuits, as well as traces of pioneer routes, such as dugways, exist within the park. The Wolfe Ranch Historic District was added to the National Register of Historic Places on November 20, 1975. It is an excellent example of early ranching efforts that occurred on the Colorado Plateau in the late 1800's. The Caretaker's Residence near the Visitor Center is listed on the Regional List of Classified Structures. It is also eligible for nomination to the National Register of Historic Places. This residence was constructed in 1941 by the local CCC Camp.

(C) Special Legislative/Administrative Considerations

Various administrative constraints control development and use of certain areas within the park. These include prior grazing permits, proposed wilderness designations, stock driveways, utility corridors, and oil, gas and hydrocarbon leases.

(D) Resource Management and Visitor use Activities by Zone

The park has three designated management zones:

(1) Natural Zone (approximately 73,188 acres)

This zone receives the majority of park management actions and visitation. Park roads, front country viewpoint trails, backcountry hiking, and the major scenic attractions all fall within this zone. The majority of resource protection efforts take place in this zone and include such actions as rehabilitation of areas impacted by trespass grazing, uncontrolled visitor foot traffic, off road vehicle use, vandalism of park features, closed roads, and illegal hunting and trapping.

(2) Historic Zone (approximately 120 acres)

This zone contains the Wolfe Ranch Historic District and the Courthouse Wash Rock Art Panel. Both are listed on the National Register of Historic Places.

(3) Park Development Zone (approximately 71 acres)

The Devils Garden Campground and Park Headquarters are located in this zone.

All non-Federal lands lie in the Natural Zone.

III. Land Ownership and Uses

- (A) Total acreage of the park within present boundaries is approximately 73,379 acres, all of which is Federal land except as set out below (See Appendix A for a list of all non-Federal lands).

State Lands

The State-owned lands are principally "school sections" and are scattered throughout the park in 11 parcels involving 13 partial or entire sections. Total area of State-owned land is 6,902.44 acres plus an additional 320 acres of mineral rights only. The 1971 act establishing Arches as a national park states that ". . . lands or interests therein owned by the State of Utah . . . may be acquired only with the approval of such State . . ."

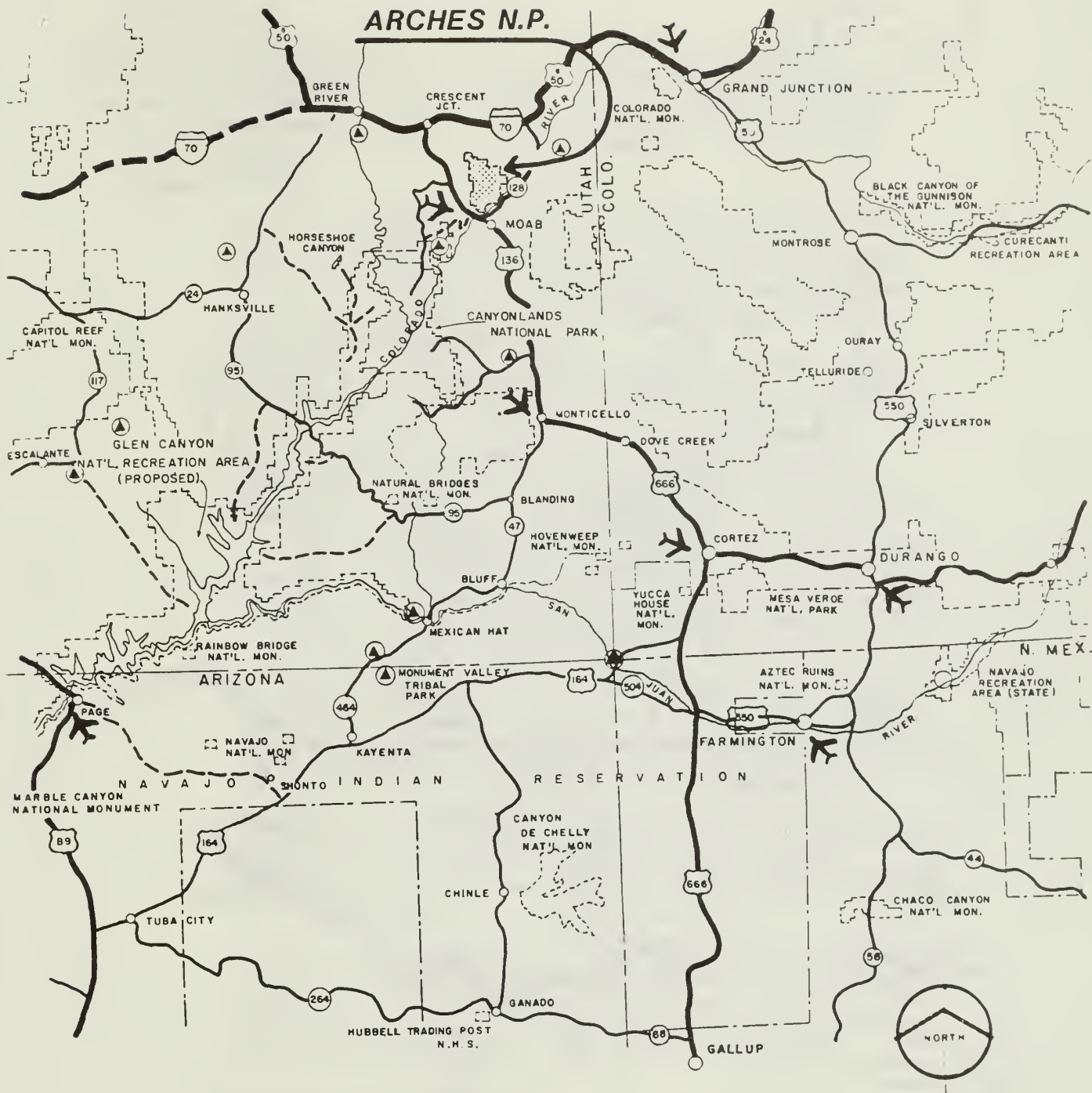
Surface and subsurface interests are included in State ownership. There are current grazing permits and oil, gas, and hydrocarbon leases located in some of the involved sections; although none are currently active, the potential for use exists. Other potential uses of State land include timber cutting, mining, and additional grazing permits.

There are outstanding natural features on all but one of the State-owned parcels and known archeological resources on four of the parcels. Seismic exploration or energy development activities could damage or destroy these resources. (The vibrations of seismic exploration could have a disastrous effect on delicate arches and fins for example.) Some parcels are within view of the main park road or recreational roads in view of a major portion of park visitors where development would diminish the park's scenic values. Active use of grazing permits would require additional stock trails and create additional areas for probable cattle trespass.

State-owned lands of 6,774 acres lie within the area currently proposed for wilderness designation within the park. The Salt Wash and Clover Canyon parcels lie adjacent to Lost Spring Canyon for which a 1984 Resource Assessment was prepared in response to pending legislation H.R. 1214. Access to or development on these State-owned lands would conflict with the wilderness characteristics and values of the surrounding Federal lands. H.R. 1214 is a bill which proposed to transfer jurisdiction over certain lands from the Bureau of Land Management to the National Park Service.

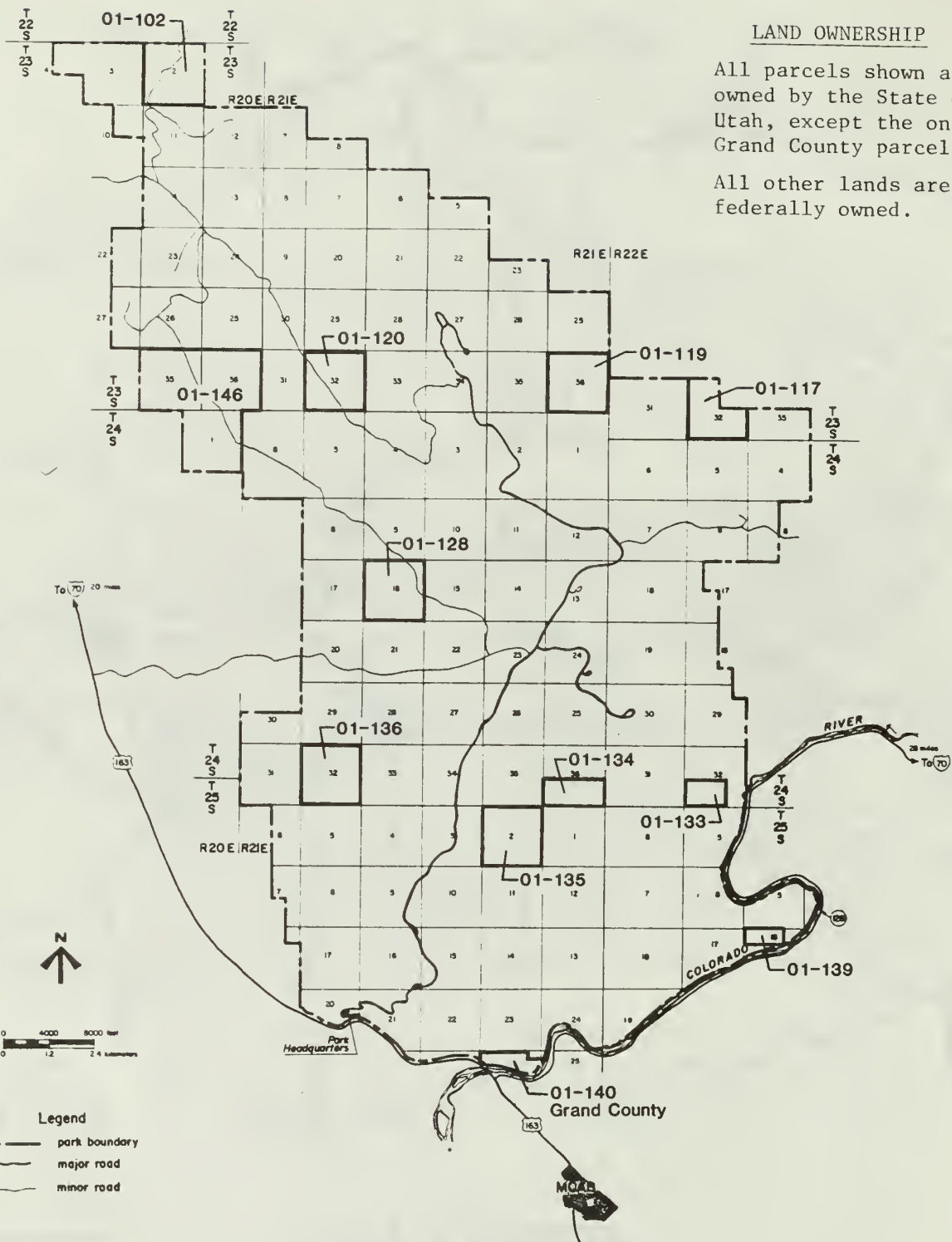
County Lands

In 1963 Grand County acquired from the United States Government 155.10 acres of public domain land before such land was within park boundaries.



VICINITY MAP ARCHES NATIONAL PARK

United States Department of the Interior-National Park Service



Ownership Map ARCHES NATIONAL PARK GRAND COUNTY, UTAH

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

The 155.10 acres are in T. 25 S., R. 21 E., Sec. 26, Lots 3, 6, 7, 8, 9, and 10. Lots 6, 7, 8, 9 and 10, on the north side of the Colorado River, are within the boundaries of Arches National Park. Because Lot No. 3 is on the south side of the river, the acreage within the park is 133.03 acres.

Patent No. 43-63-0036 on file in the Grand County Court House states that: "The United States of America . . . has given and granted . . . unto the said Grand County, Utah, the tract of land . . . for recreation site purposes only, . . . subject, however, to the following reservations, conditions and limitations:

Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs . . . There is also reserved to the United States all mineral deposits in the land . . . If the patentee, or its successor in interest, does not comply with the provisions of the approved plan of development on file with the Bureau of Land Management and designated as boat docking and picnic area, dated April 27, 1961, or by any revision thereof . . . said Secretary, or his delegate, after due notice and an opportunity for a hearing, may declare the terms of this grant terminated in whole or in part."

Existing development on Lots 6, 7, 8, 9 and 10 consists of an abandoned bridge abutment, concrete boat ramp, two man-made caves with steel doors and a dirt road and parking area.

A developer is currently preparing a proposal for submission to the Bureau of Land Management to further develop additional boat ramps and some type of restaurant facility on this land.

The Courthouse Wash Rock Art Panel is in close proximity to this parcel of county land and will probably receive increased visitation with a possible greater potential for vandalism. Additional protection measures may be necessary if further development of this county parcel occurs.

(B) Private Lands or Interests

There are no private lands within the park.

Some of the State lands have private grazing permits. If these lands are acquired by any means, it will be subject to these permits, which will then be allowed to expire. All grazing permits on Federal lands within the park boundaries have terminated.

The State lands also have oil and gas leases, which likewise would be allowed to expire after the lands are acquired. Should actual development begin, other actions will have to be considered.

(C) External Conditions

Grazing permits on Bureau of Land Management lands adjacent to the park often result in trespass grazing by cattle within the park boundaries. This cannot be controlled without the construction of boundary fences in critical access areas, which is ongoing as park staffing and funding allow. Trespass grazing often occurs in areas receiving heavy visitation and has resulted in both verbal and written complaints from visitors.

Increased seismic exploration for oil and gas deposits by private energy companies on surrounding BLM land has resulted in impacts to the park, including unauthorized landing of aircraft and off-road vehicle travel. Access to some areas requires use of park roads. Energy exploration and possible development on adjacent Federally-owned land is expected to continue. Park staff will continue to work with BLM to assure that impacts on park resources are considered.

The BLM has identified the following sections contiguous to the west boundary of Arches National Park as an isolated tract available for disposal: R. 21 E., T. 24 S., Secs. 7, 18, 19, and the N1/2 of Sec. 30. This tract is surrounded by NPS and State lands, which makes BLM management difficult. The tract has oil and gas leases and grazing permits. Consideration for a boundary adjustment to include this tract will be a study item for the 1986 General Management Plan for Arches National Park.

(D) Methods of acquisition to date are as follows:

<u>Method of Acquisition</u>	<u>Acreage</u>
Withdrawal from public domain	74,964.59
Exchange	640.00
Purchase	2,588.92
Sub-Total	78,193.51
Disposal	11,850.00
Net acreage to date	66,343.51
State of Utah ownership	6,902.44
Grand County ownership	133.03
Total Acreage in Park	73,378.98

- (E) Current ceiling for land acquisition is \$275,000 as specified in the Act of October 12, 1976 (P.L. 94-578), 16 U.S.C. 272f.

Appropriated to date	\$263,008
Obligated to date	\$263.008

IV. PROTECTION ALTERNATIVES

(A) Pertinent Federal, State and Local Laws

The park has proprietary jurisdiction over lands within its boundaries and relies on Title 16 U.S.C. and the regulations contained in Title 36 C.F.R. for primary protection of resources. In particular, 36 C.F.R. 9B can be utilized to regulate oil and gas exploration/extraction activities. Historic/archeological values are protected by the Antiquities Act (1906) and the Archaeological Resources Act of 1979. Air Quality is protected under the Clean Air Act as amended, August 17, 1977, and the area is a Class I PSD (Prevention of Significant Deterioration) unit.

(B) Alternative Methods

State of Utah Lands

1. Regulations. Title 36 of the Code of Federal Regulations, Part 9B, controls all activities within any unit of the National Park System in the exercise of rights to oil and gas not owned by the United States where access is on, across, or through Federally owned or controlled lands or waters. These regulations are intended to impose reasonable restrictions on the methods of exploring for or developing oil and gas resources. By requiring a plan of operations, these regulations can mitigate the impact of mineral activity on park resources, but they cannot prohibit the owners from exercising their rights. Because the mineral leases on State lands are within proposed wilderness areas, and mineral activity could damage fragile geological resources, regulations would not provide adequate long term protection, although they could be useful on an interim basis to minimize damage to the park.
2. Acquisition. Fee acquisition is considered to be necessary to meet park purposes of protecting wilderness values and preventing development that would impair scenic and other resources. The 1971 Authorizing Act allows for acquisition of land by donation, purchase with donated or appropriated funds, exchange, or other methods. Land owned by the State or local governments can be acquired only with approval of the owner. State law precludes donation of "school sections." Donations could be encouraged, but are not expected to be effective in protecting all of the non-Federal tracts. Exchange appears to be the most viable method of acquiring State lands. Consideration would be given to including outstanding leases as part of an exchange. If this is not possible, the leases

would be allowed to expire at the end of their term after the State lands have been conveyed to Federal ownership.

Grand County Lands

1. No action as long as the use of the parcel remains consistent with the agreement stated in Patent No. 43-63-0036. The tract of land is to be used for recreation site purposes only and any developments must be approved by the Bureau of Land Management. Maintain close liaison with BLM to monitor proposed uses/developments.
2. Address the issue to remove the county-owned parcel from the park during the General Management Plan process. Existing uses of the land are not traceable to visitation and enjoyment of the park but do, however, provide a needed recreational service to both residents and visitors to the county.

C. Socio-Economic and Environmental Assessments

The greatest potential for economic or environmental effect lies in the parcels owned by the State of Utah. The State has already evaluated the consequences of exchanging these lands under Project BOLD, (a proposal for a State-wide exchange of State and Federal lands), which has been approved by the State Legislature and introduced into Congress. Should further action on Project BOLD fail and other methods of acquisition be utilized it may be necessary to reevaluate the environmental and economic effect, though such effects are expected to be minor.

The Grand County parcel serves a recreational and an access need for the citizens of and visitors to the area. Acquisition by the National Park Service would impose an obligation to develop and maintain facilities which would provide access to the Colorado River. By removing the parcel from the park or taking no action on the present agreement, provided no adverse development occurs, facilities are provided by the county or a private developer, enhancing the economic base of the local community. Environmental concerns must be addressed through the comment process of any proposed development plan.

V. RECOMMENDATIONS

- (A) Acquire all State interests through State-Federal exchange. Acquisition of these interests under existing FLPMA procedures should be initiated.
- (B) County Lands

It is recommended that no action be taken until the General Management Plan is completed and as long as the use of the

parcel remains consistent with park protection values. A comprehensive proposal regarding all possible boundary changes will be prepared as part of the General Management Plan project.

(C) Gas, Oil, and Hydrocarbon Leases

There is presently no activity on these leases located on State lands within the park and it is extremely difficult to determine the value of such leases in the absence of test data or actual production. It is recommended that:

- (1) After acquisition of the State lands, action be taken to acquire or subordinate these interests to preclude any possibility of future adverse uses.

A subordination agreement would allow for extraction of minerals without disturbance of the surface. This may be feasible for tracts on the park boundary, but would not be practical for tracts in the interior.

- (2) Prior to acquisition of the State lands, 36 C.F.C. 9B can be used to mitigate somewhat the effects of exploration or extraction.

(D) Priorities (assuming no adverse use is proposed)

1. Acquisition of all State lands and mineral interest.
2. Prepare a comprehensive boundary adjustment proposal as part of the General Management Plan process.

The actions outlined in this plan will have no or minimal impact upon the environment. The plan is therefore categorically excluded from the NEPA process under 516 D.M. 6 Appendix 7.4B (11) and 7.4C(1) and (2).

SUMMARY SHEET

Arches National Park Land Protection Plan

1. Current Ownership Acreage

Federal (NPS Jurisdiction)	66,343.51
State of Utah	6,902.44
Grand County	133.03
Total	73,378.98

2. Number of Tracts Remaining to be Protected 12

3. Methods of Protection Proposed

Fee acquisition by NPS	6,902.44
By others	NONE
Areas suitable for leaseback	NONE
Zoning	NONE
Cooperative Agreement/less than fee	NONE
No Action	133.03

4. Statutory Acreage Ceiling 73,378.98

5. Funding Status

Authorized acquisition ceiling	\$275,000
Appropriated to date	\$263,008
Obligated to date	\$263,008

6. Priorities (assuming no adverse use threats)

Acquisition of State interests through exchange.

Propose comprehensive boundary adjustment as part of General Management Plan process.

Acquisition or subordination of oil, gas, and hydrocarbon leases.

ARCHES NATIONAL PARK

Listing of Non-Federal Ownerships

State Land listed in priority order of acquisition based on accessibility, outstanding natural features, archaeological features, potential for development or exploration, and proximity to heavy visitor use areas.

<u>TRACT NO</u>	<u>LOCATION</u>	
01-102	Eagle Park	R20E, T23S, Sec.2
01-146	Klondike Bluffs	R20E, T23S, Sec. 35 & 36
		R20E, T24S, Sec. 1
01-128	Hardina Park	R21E, T24S, Sec. 16
01-120	Salt Valley	R21E, T23S, Sec. 32
01-117	Salt Wash	R22E, T23S, Sec. 32, W1/2, SE1/4
01-135	Petrified Dunes	R21E, T25S, Sec. 2
01-134	Petrified Dunes	R21E, T24S, Sec. 36, S1/2
01-119	Clover Canyon	R21E, T23S, Sec. 36
01-136	Courthouse Wash	R21E, T24S, Sec. 32
01-133	Salt Wash	R22E, T24S, Sec. 32, SW1/4, W1/2SE1/4
01-139	Colorado River	R22E, T25S, Sec. 16, N1/2NW1/4
01-155	Fiery Furnace	R21E, T24S, Sec. 2, S1/2 (Minerals only)

County Lands

01-140	Colorado River	R25S, R21E, Sec. 26, Lots 6, 7, 8, 9, 10
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4. Arches National Monument

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Establishment: Proclamation (No. 1875) of April 12, 1929.....	110
Enlarging the area: Proclamation (No. 2312) of November 25, 1938.....	111

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 1875—Apr. 12, 1929—46 Stat. 2988]

WHEREAS, there are located in unsurveyed townships twenty-three and twenty-four south, range twenty-one east, and twenty-four south, range twenty-two east of the Salt Lake meridian, in Grand County, Utah, two areas, known locally as the "Devil's Garden" and the "Windows," containing approximately 2,600 acres and 1,920 acres, respectively;

WHEREAS, these areas contain extraordinary examples of wind erosion in the shape of gigantic arches, natural bridges, "windows," spires, balanced rocks, and other unique wind-worn sandstone formations, the preservation of which is desirable because of their educational and scenic value; and

WHEREAS, it appears that the public interest would be promoted by reserving these features as a national monument, together with such land as may be needed for the protection thereof;

NOW, THEREFORE, I, Herbert Hoover, President of the United States of America, by virtue of the power in me vested by section two of the act of Congress entitled, "An Act for the Preservation of American Antiquities," approved June 8, 1906 (34 Stat. 225), do proclaim that there are hereby reserved from all forms of appropriation under the public land laws and set apart as a national monument all those pieces and parcels of land in Grand County, State of Utah, shown as the Arches National Monument upon the diagram hereto annexed and made a part hereof, subject to prior valid claims and pending applications for permits to prospect for potassium under the act of Congress approved October 2, 1917 (40 Stat. 297), provided that they do not involve the ultimate disposition of the title of the United States to any lands within the area hereby reserved.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this Monument as provided in the act of Congress entitled, "An Act to establish a National Park Service and for other purposes," approved August 25, 1916 (39 Stat. 535), and acts additional thereto or amendatory thereof.

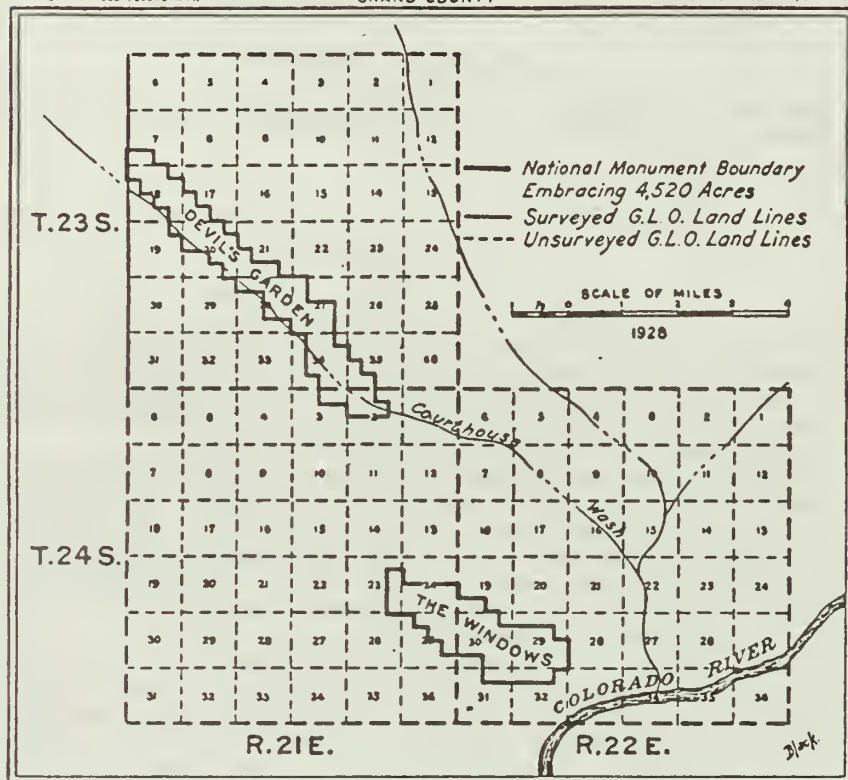
IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 12th day of April in the year of our Lord one thousand nine hundred and twenty-nine and of the [SEAL] Independence of the United States of America the one hundred and fifty-third.

HERBERT HOOVER.

By the President:

HENRY L. STIMSON,
Secretary of State.



ARCHES NATIONAL MONUMENT

U. S. GOVERNMENT PRINTING OFFICE: 1928 347088

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 2312—Nov. 25, 1938—53 Stat. 2504]

WHEREAS certain public lands contiguous to the Arches National Monument, in Utah, established by proclamation of April 12, 1929 (46 Stat. 2988), have situated thereon geologic and prehistoric structures of historic and scientific interest; and

WHEREAS there are other public lands contiguous to the said monument which are necessary for the proper care, management, and protection of the objects of scientific interest situated on the lands included in the monument and on the other lands referred to above; and

WHEREAS it appears that it would be in the public interest to reserve such lands as part of the said monument:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Utah are hereby reserved from all forms of

appropriation under the public-land laws and added to and made a part of the said Arches National Monument:

SALT LAKE MERIDIAN—UTAH

- T. 23 S., R. 20 E., sec. 12, S $\frac{1}{2}$,
sec. 13, all,
sec. 22, E $\frac{1}{2}$,
sec. 23, all,
sec. 24, N $\frac{1}{2}$,
T. 23 S., R. 21 E., sec. 7, S $\frac{1}{2}$,
secs. 16 to 18, inclusive,
sec. 19, N $\frac{1}{2}$,
sec. 20, N $\frac{1}{2}$ and SE $\frac{1}{4}$,
secs. 21 and 22,
secs. 26 to 28, inclusive,
secs. 34 and 35,
T. 24 S., R. 21 E., sec. 1, all,
sec. 2, N $\frac{1}{2}$,
sec. 3, N $\frac{1}{2}$,
secs. 12 and 13,
secs. 23 to 27 and 33 to 35, inclusive,
sec. 36, N $\frac{1}{2}$ (all unsurveyed),
T. 25 S., R. 21 E., secs. 3 to 5 and 8 to 10, inclusive,
secs. 15 to 17, inclusive,
sec. 22, all
and all those parts of secs. 20, 21, 27 and 28 north of
State Highway No. 450,
T. 24 S., R. 22 E., sec. 4, W $\frac{1}{2}$,
secs. 5 to 8, inclusive,
sec. 9, W $\frac{1}{2}$,
secs. 17 to 20, inclusive,
secs. 29 to 30,
sec. 31, N $\frac{1}{2}$,
sec. 32, N $\frac{1}{2}$,

aggregating approximately 29,160 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes", approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of November in the year of our Lord nineteen hundred and thirty-eight, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT.

By the President:

CORDELL HULL,
The Secretary of State.

2. Arches

An Act to establish the Arches National Park in the State of Utah. (85 Stat. 422)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered RPSSC-138-20, 001E and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

SEC. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as the suitability or non-suitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

SEC. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alignments within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purpose of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, \$125,000 for the acquisition of lands and interests in lands and not to exceed \$1,031,800 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Approved November 12, 1971.

Legislative History

House Report No. 92-535 accompanying H.R. 7136 (Committee on Interior and Insular Affairs).

Senate Report No. 92-158 (Committee on Interior and Insular Affairs).
Congressional Record, Vol. 117 (1971):

June 21, considered and passed Senate.

Oct. 4, considered and passed House, amended, in lieu of H.R. 7136.

Oct. 29, Senate agreed to House amendments.

RECORD OF RESPONSE TO PUBLIC COMMENTS

REGARDING LAND PROTECTION

ARCHES NATIONAL PARK

The Land Protection Plan for Arches National Park is a document prepared to identify non-Federal land or interests in land within the authorized boundary and set forth priorities for protection and management of these lands or interests therein. Preparation of the plan is in response to the Department of the Interior's policy for the Federal portion of the Land and Water Conservation Fund (47 FR 19784). The public was invited to comment on the plan. Comments were received from only three sources.

Comments received were supportive of the recommendations made in the plan. In response to the public comments, the following changes were made before this final plan was approved and printed:

Sec. II(B).

The sentence "The panel represents the eastern-most occurrence of the Barrier Canyon style." has been deleted. Recent finds in the Book Cliffs of Utah have negated this claim.

Sec. III(A).

Reference to a State of Utah owned tract of 320 acres of mineral rights has been added.

The reference to H.R. 1214 has been clarified to explain what H.R. 1214 is.

Sec. III(C).

The last paragraph regarding BLM lands adjacent to the west park boundary was added.

Ownership Map.

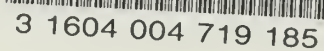
Section 8, T. 23 S., R. 21E. has been numbered correctly.

Appendix A

The 320-acre mineral rights tract has been added to the tract list.

Throughout.

The State of Utah has informed us that the State now issues grazing permits--not leases. This change was made wherever it occurred.

[illegible]

NPS D-27a

